

Applicants: Jeffrey Lynn Haddox, et al.  
Serial No.: 09/967,003  
Filed: September 28, 2001  
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#### REMARKS

Claims 10 and 11 are pending in the subject application. By this Amendment, applicants have amended claim 10. Support for the amendments to claim 10 can be found *inter alia* in the specification as originally filed on page 6, line 6-11, and page 12, lines 14-19.

Applicants have amended the specification to update the continuing data for the subject application.

Applicants maintain that the amendments to the specification and to the claims do not raise an issue of new matter. Accordingly, entry of the amendments is respectfully requested.

#### Obviousness-type Double Patenting Rejection

Claims 10 and 11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims 1-3 of U.S. Patent No. 6,310,041.

Applicants respectfully traverse this rejection. Applicants attach hereto a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) in order to remove the double patenting rejection over U.S. Patent No. 6,310,041. A fee of \$55.00 is required for submitting a Terminal Disclaimer for a small entity, and a check including this amount is enclosed.

In view of the Terminal Disclaimer attached hereto, applicants respectfully request withdrawal of the double patenting rejection.

#### Rejection under 35 U.S.C. 102(b)

Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by Chang et al. (U.S. Patent No. 5,916,872).

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Applicants respectfully traverse this rejection. Chang et al. teach cyclic peptides that can have many possible loop regions or  $\beta$ -turn regions, including the sequence cited by the Examiner, i.e. Arg-Thr-Arg-Gly (RTRG) (SEQ ID NO:61 in Chang et al.) (e.g., see claims 1-3 in Chang et al.). Thus, Chang et al. do not teach a peptide having the sequence RTRG but rather a cyclic peptide that can have a loop region or  $\beta$ -turn region consisting of RTRG. Moreover, a peptide having the sequence RTRG does not appear in Claim 10. Applicants maintain that Chang et al. does not anticipate the claimed invention. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

#### Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the two references which are listed on the attached form PTO/SB/08A. These references were previously cited by the Patent Office during the prosecution of U.S. Serial No. 09/521,365, from which the subject application claims the benefit of its filing date under 35 U.S.C. §120. Accordingly, pursuant to 37 C.F.R. §1.98(d), copies of previously cited references are not included with this Information Disclosure Statement.

Applicants are submitting the subject Information Disclosure Statement pursuant to 37 C.F.R. §1.97(c)(2) before the mailing of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application. A check is enclosed that includes the \$180.00 fee for submitting an Information Disclosure Statement pursuant to 37 C.F.R. §1.97(c)(2).

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CONCLUSION

In view of the attached Terminal Disclaimer and of the remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the rejections set forth in the September 16, 2003 Office Action and earnestly solicit allowance of the claims now pending in the subject application, namely claims 10 and 11.

A check for \$235.00 is enclosed to cover the \$55.00 fee for filing a Terminal Disclaimer for a small entity and the \$180.00 fee for filing an Information Disclosure Statement. No other fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted,

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New York, New York

By



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